

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

AMENDED IN ASSEMBLY MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 379

Introduced by Assembly Member Gordon

February 18, 2015

An act to amend Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2 of, and to amend the heading of Chapter 5.5 (commencing with Section 48850) of Part 27 of Division 4 of Title 2 of, the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Gordon. Foster youth: complaint of noncompliance.

(1) Existing law requires certain pupils placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless a specified condition applies. Existing law authorizes certain foster children living in emergency shelters to receive educational services at the emergency shelter as necessary for short periods of time for specified reasons. Existing law requires that all educational and school placement decisions be based on the best interests of the child.

This bill would specify that the short period of time described above not exceed 5 schooldays. ~~The bill would specify that all educational and school placement decisions are required to be based on the best interests of the child as determined by the parent or guardian, or other person holding the right to make educational decisions for the pupil.~~

schooldays, except as provided. The bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, ~~except as otherwise specified.~~ *Regulations.* The bill would ~~require compensatory educational services to be awarded to a pupil if a decision of either the local educational agency or the State Department of Education determines that the local educational agency has violated a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding school placement, as specified.~~ *require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil.* The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(2) Existing law requires each local educational agency, as defined, to designate a staff person as the educational liaison for foster children, as defined. Existing law requires the educational liaison to ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring the proper transfer of credits, records, and grades.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, ~~except as otherwise specified.~~ *Regulations.* The bill would ~~require compensatory educational services to be awarded to a pupil if a decision of either the local educational agency or the State Department of Education determines that the local educational agency has violated a pupil's right to immediate enrollment or a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding the request of a foster child to remain in the school of origin, as specified.~~ *require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil.* The bill would also require information regarding the requirements of these

provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law establishes procedures for the transfer of pupils in foster care between schools and, among other things, requires the local educational agency from which the pupil is transferring to compile the complete educational record of the pupil, including, among other things, full or partial credits earned and current classes and grades, and to deliver the educational information and records of the pupil to the next educational placement.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. *The bill would require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil.* The bill would also require information regarding the requirements of these provisions relating to the transfer of pupils in foster care between schools to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(4) Existing law requires a school district, except as provided, to exempt a pupil in foster care, as defined, or a pupil who is a homeless child or youth, as defined, who transfers between schools any time after the completion of the pupil's 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to certain statewide coursework requirements. Existing law requires the school district to notify specified individuals, including a pupil in foster care or a pupil who is a homeless child or youth, within 30 calendar days of the date that the pupil who may qualify for the exemption from local graduation requirements transfers into a school, that the pupil qualifies for that exemption.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, ~~except as otherwise specified.~~ *Regulations. The bill would require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil.* The bill

would also require information regarding the requirements of these provisions relating to exempting certain pupils from specified coursework to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(5) Existing law requires a school district and county office of education to accept coursework satisfactorily completed by a pupil in foster care or a pupil who is a homeless child while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and requires the school district and county office of education to issue the pupil full or partial credit for the coursework completed. Existing law requires those credits accepted to be applied to the same or equivalent course, if applicable, as the coursework completed in the prior public school, juvenile court school, or nonpublic, nonsectarian school or agency.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. *The bill would require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil.* The bill would also require information regarding the requirements of these provisions relating to the requirement that local educational agencies accept coursework satisfactorily completed by certain pupils, as specified, to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 5.5 (commencing with
2 Section 48850) of Part 27 of Division 4 of Title 2 of the Education
3 Code is amended to read:

4
5 CHAPTER 5.5. EDUCATION OF PUPILS IN FOSTER CARE AND
6 PUPILS WHO ARE HOMELESS

7
8 SEC. 2. Section 48853 of the Education Code is amended to
9 read:

10 48853. (a) A pupil described in subdivision (a) of Section
11 48853.5 who is placed in a licensed children's institution or foster
12 family home shall attend programs operated by the local
13 educational agency, unless one of the following applies:

14 (1) The pupil is entitled to remain in his or her school of origin
15 pursuant to paragraph (1) of subdivision (d) of Section 48853.5.

16 (2) The pupil has an individualized education program requiring
17 placement in a nonpublic, nonsectarian school or agency, or in
18 another local educational agency.

19 (3) The parent or guardian, or other person holding the right to
20 make educational decisions for the pupil pursuant to Section 361
21 or 726 of the Welfare and Institutions Code or Section 56055,
22 determines that it is in the best interests of the pupil to be placed
23 in another educational program, in which case the parent or
24 guardian or other person holding the right to make educational
25 decisions for the pupil shall provide a written statement that he or
26 she has made that determination to the local educational agency.
27 This statement shall include a declaration that the parent, guardian,
28 or other person holding the right to make educational decisions
29 for the pupil is aware of all of the following:

30 (A) The pupil has a right to attend a regular public school in the
31 least restrictive environment.

32 (B) The alternate education program is a special education
33 program, if applicable.

34 (C) The decision to unilaterally remove the pupil from the
35 regular public school and to place the pupil in an alternate
36 education program may not be financed by the local educational
37 agency.

(D) Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent, guardian, or other person holding the right to make educational decisions for the pupil.

(b) For purposes of ensuring a parent, guardian, or other person holding the right to make educational decisions for the pupil is aware of the information described in subparagraphs (A) to (D), inclusive, of paragraph (3) of subdivision (a), the local educational agency may provide him or her with that information in writing.

(c) Before any decision is made to place a pupil in a juvenile court school as defined by Section 48645.1, a community school as described in Sections 1981 and 48660, or other alternative educational setting, the parent or guardian, or person holding the right to make educational decisions for the pupil pursuant to Section 361 or 726 of the Welfare and Institutions Code or Section 56055, shall first consider placement in the regular public school.

(d) If any dispute arises as to the school placement of a pupil subject to this section, the pupil has the right to remain in his or her school of origin, as defined in subdivision (e) of Section 48853.5, pending resolution of the dispute. The dispute shall be resolved in accordance with the existing dispute resolution process available to any pupil served by the local educational agency.

(e) This section does not supersede other laws that govern pupil expulsion.

(f) This section does not supersede any other law governing the educational placement in a juvenile court school, as defined by Section 48645.1, of a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility.

(g) (1) Foster children living in emergency shelters, as referenced in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), may receive educational services at the emergency shelter as necessary for short periods of time, not to exceed five ~~school days~~, *school days unless the express written consent of the educational rights holder has been provided*, for either of the following reasons:

(A) For health and safety emergencies.

(B) To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interests to attend the school of origin cannot

1 be made promptly, it is not practical to transport the child to the
2 school of origin, and the child would otherwise not receive
3 educational services.

4 (2) The educational services may be provided at the shelter
5 pending a determination by the person holding the right regarding
6 the educational placement of the child.

7 (h) All educational and school placement decisions shall be
8 made to ensure that the child is placed in the least restrictive
9 educational programs and has access to academic resources,
10 services, and extracurricular and enrichment activities that are
11 available to all pupils. In all instances, educational and school
12 placement decisions shall be based on the best interests of the ~~child~~
13 ~~as determined by the parent or guardian, or other person holding~~
14 ~~the right to make educational decisions for the pupil: child.~~

15 (i) (1) A complaint of noncompliance with the requirements of
16 this section may be filed with the local educational agency under
17 the Uniform Complaint Procedures set forth in Chapter 5.1
18 (commencing with Section 4600) of Division 1 of Title 5 of the
19 California Code of Regulations.

20 ~~(A) Within five schooldays of receiving a complaint alleging a~~
21 ~~violation of a pupil's right to remain in his or her school of origin~~
22 ~~pending resolution of a dispute regarding school placement,~~
23 ~~pursuant to subdivision (d), the local educational agency shall~~
24 ~~conduct a complete investigation and prepare a written local~~
25 ~~educational agency decision. The investigation and decision shall~~
26 ~~comply with the requirements of subdivisions (b) to (d), inclusive,~~
27 ~~of, and paragraphs (1) to (7), inclusive, of subdivision (e) of,~~
28 ~~Section 4631 of Title 5 of the California Code of Regulations.~~

29 ~~(B) All other complaints of noncompliance with the~~
30 ~~requirements of this section shall be investigated and determined~~
31 ~~by the local educational agency in accordance with the timelines~~
32 ~~provided in Section 4631 of Title 5 of the California Code of~~
33 ~~Regulations.~~

34 (2) A complainant not satisfied with the decision of a local
35 educational agency may appeal the decision to the department
36 pursuant to Chapter 5.1 (commencing with Section 4600) of
37 Division 1 of Title 5 of the California Code of ~~Regulations.~~
38 *Regulations and shall receive a written decision regarding the*
39 *appeal within 60 days of the department's receipt of the appeal.*

~~(A) If the complainant appeals a local educational agency decision regarding an alleged violation of a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding school placement, pursuant to subdivision (d), the department shall issue a written decision regarding the appeal within 30 days of the department's receipt of the appeal.~~

~~(B) For all other appeals from local educational agency decisions related to this section, the department shall issue a written decision regarding the appeal within 60 days of the department's receipt of the appeal.~~

~~(3) If a decision of either the local educational agency or the department determines that the local educational agency has violated a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding school placement, pursuant to subdivision (d), and that violation has interrupted the pupil's school attendance, the pupil shall be awarded compensatory educational services. It is the intent of the Legislature that these services be provided to assist pupils in their transition to the school setting following an interruption in school attendance and to compensate for missed instruction. Compensatory educational services may include, but are not limited to, social-emotional supports, such as counseling, and academic supports, including tutoring and academic counseling. *finds merit in a complaint, or the Superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.*~~

~~(4) Information regarding the requirements of this section shall be included in the annual notification distributed to, among others, pupils, parents or guardians of pupils, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.~~

SEC. 3. Section 48853.5 of the Education Code is amended to read:

48853.5. (a) This section applies to a foster child. "Foster child" means a child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

1 (b) Each local educational agency shall designate a staff person
2 as the educational liaison for foster children. In a school district
3 that operates a foster children services program pursuant to Chapter
4 11.3 (commencing with Section 42920) of Part 24 of Division 3,
5 the educational liaison shall be affiliated with the local foster
6 children services program. The educational liaison shall do all of
7 the following:

8 (1) Ensure and facilitate the proper educational placement,
9 enrollment in school, and checkout from school of foster children.

10 (2) Assist foster children when transferring from one school to
11 another school or from one school district to another school district
12 in ensuring proper transfer of credits, records, and grades.

13 (c) If so designated by the superintendent of the local educational
14 agency, the educational liaison shall notify a foster child's attorney
15 and the appropriate representative of the county child welfare
16 agency of pending expulsion proceedings if the decision to
17 recommend expulsion is a discretionary act, pending proceedings
18 to extend a suspension until an expulsion decision is rendered if
19 the decision to recommend expulsion is a discretionary act, and,
20 if the foster child is an individual with exceptional needs, pending
21 manifestation determinations pursuant to Section 1415(k) of Title
22 20 of the United States Code if the local educational agency has
23 proposed a change in placement due to an act for which the
24 decision to recommend expulsion is at the discretion of the
25 principal or the district superintendent of schools.

26 (d) This section does not grant authority to the educational
27 liaison that supersedes the authority granted under state and federal
28 law to a parent or legal guardian retaining educational rights, a
29 responsible adult appointed by the court to represent the child
30 pursuant to Section 361 or 726 of the Welfare and Institutions
31 Code, a surrogate parent, or a foster parent exercising the authority
32 granted under Section 56055. The role of the educational liaison
33 is advisory with respect to placement decisions and determination
34 of the school of origin.

35 (e) (1) At the initial detention or placement, or any subsequent
36 change in placement of a foster child, the local educational agency
37 serving the foster child shall allow the foster child to continue his
38 or her education in the school of origin for the duration of the
39 jurisdiction of the court.

1 (2) If the jurisdiction of the court is terminated before the end
2 of an academic year, the local educational agency shall allow a
3 former foster child who is in kindergarten or any of grades 1 to 8,
4 inclusive, to continue his or her education in the school of origin
5 through the duration of the academic school year.

6 (3) (A) If the jurisdiction of the court is terminated while a
7 foster child is in high school, the local educational agency shall
8 allow the former foster child to continue his or her education in
9 the school of origin through graduation.

10 (B) For purposes of this paragraph, a school district is not
11 required to provide transportation to a former foster child who has
12 an individualized education program that does not require
13 transportation as a related service and who changes residence but
14 remains in his or her school of origin pursuant to this paragraph,
15 unless the individualized education program team determines that
16 transportation is a necessary related service.

17 (4) To ensure that the foster child has the benefit of matriculating
18 with his or her peers in accordance with the established feeder
19 patterns of school districts, if the foster child is transitioning
20 between school grade levels, the local educational agency shall
21 allow the foster child to continue in the school district of origin in
22 the same attendance area, or, if the foster child is transitioning to
23 a middle school or high school, and the school designated for
24 matriculation is in another school district, to the school designated
25 for matriculation in that school district.

26 (5) Paragraphs (2), (3), and (4) do not require a school district
27 to provide transportation services to allow a foster child to attend
28 a school or school district, unless otherwise required under federal
29 law. This paragraph does not prohibit a school district from, at its
30 discretion, providing transportation services to allow a foster child
31 to attend a school or school district.

32 (6) The educational liaison, in consultation with, and with the
33 agreement of, the foster child and the person holding the right to
34 make educational decisions for the foster child, may recommend,
35 in accordance with the foster child's best interests, that the foster
36 child's right to attend the school of origin be waived and the foster
37 child be enrolled in a public school that pupils living in the
38 attendance area in which the foster child resides are eligible to
39 attend.

1 (7) Before making a recommendation to move a foster child
2 from his or her school of origin, the educational liaison shall
3 provide the foster child and the person holding the right to make
4 educational decisions for the foster child with a written explanation
5 stating the basis for the recommendation and how the
6 recommendation serves the foster child's best ~~interest~~ *interests*.

7 (8) (A) If the educational liaison, in consultation with the foster
8 child and the person holding the right to make educational decisions
9 for the foster child, agrees that the best interests of the foster child
10 would best be served by his or her transfer to a school other than
11 the school of origin, the foster child shall immediately be enrolled
12 in the new school.

13 (B) The new school shall immediately enroll the foster child
14 even if the foster child has outstanding fees, fines, textbooks, or
15 other items or moneys due to the school last attended or is unable
16 to produce clothing or records normally required for enrollment,
17 such as previous academic records, medical records, including,
18 but not limited to, records or other proof of immunization history
19 pursuant to Chapter 1 (commencing with Section 120325) of Part
20 2 of Division 105 of the Health and Safety Code, proof of
21 residency, other documentation, or school uniforms.

22 (C) Within two business days of the foster child's request for
23 enrollment, the educational liaison for the new school shall contact
24 the school last attended by the foster child to obtain all academic
25 and other records. The last school attended by the foster child shall
26 provide all required records to the new school regardless of any
27 outstanding fees, fines, textbooks, or other items or moneys owed
28 to the school last attended. The educational liaison for the school
29 last attended shall provide all records to the new school within two
30 business days of receiving the request.

31 (9) If a dispute arises regarding the request of a foster child to
32 remain in the school of origin, the foster child has the right to
33 remain in the school of origin pending resolution of the dispute.
34 The dispute shall be resolved in accordance with the existing
35 dispute resolution process available to a pupil served by the local
36 educational agency.

37 (10) The local educational agency and the county placing agency
38 are encouraged to collaborate to ensure maximum use of available
39 federal moneys, explore public-private partnerships, and access

1 any other funding sources to promote the well-being of foster
2 children through educational stability.

3 (11) It is the intent of the Legislature that this subdivision shall
4 not supersede or exceed other laws governing special education
5 services for eligible foster children.

6 (f) For purposes of this section, “school of origin” means the
7 school that the foster child attended when permanently housed or
8 the school in which the foster child was last enrolled. If the school
9 the foster child attended when permanently housed is different
10 from the school in which the foster child was last enrolled, or if
11 there is some other school that the foster child attended with which
12 the foster child is connected and that the foster child attended
13 within the immediately preceding 15 months, the educational
14 liaison, in consultation with, and with the agreement of, the foster
15 child and the person holding the right to make educational decisions
16 for the foster child, shall determine, in the best interests of the
17 foster child, the school that shall be deemed the school of origin.

18 (g) This section does not supersede other law governing the
19 educational placements in juvenile court schools, as described in
20 Section 48645.1, by the juvenile court under Section 602 of the
21 Welfare and Institutions Code.

22 (h) (1) A complaint of noncompliance with the requirements
23 of this section may be filed with the local educational agency under
24 the Uniform Complaint Procedures set forth in Chapter 5.1
25 (commencing with Section 4600) of Division 1 of Title 5 of the
26 California Code of Regulations.

27 ~~(A) Within five schooldays of receiving a complaint alleging a~~
28 ~~violation of a pupil’s right to immediate enrollment pursuant to~~
29 ~~paragraph (8) of subdivision (e), the local educational agency shall~~
30 ~~conduct a complete investigation and prepare a written local~~
31 ~~educational agency decision. The investigation and decision shall~~
32 ~~comply with the requirements of subdivisions (b) to (d), inclusive,~~
33 ~~of, and paragraphs (1) to (7), inclusive, of subdivision (e) of,~~
34 ~~Section 4631 of Title 5 of the California Code of Regulations.~~

35 ~~(B) Within five schooldays of receiving a complaint alleging a~~
36 ~~violation of a pupil’s right to remain in his or her school of origin~~
37 ~~pending resolution of a dispute regarding the request of a foster~~
38 ~~child to remain in the school of origin, pursuant to paragraph (9)~~
39 ~~of subdivision (e), the local educational agency shall conduct a~~
40 ~~complete investigation and prepare a written local educational~~

1 agency decision. The investigation and decision shall comply with
2 the requirements of subdivisions (b) to (d), inclusive, of, and
3 paragraphs (1) to (7), inclusive, of subdivision (e) of, Section 4631
4 of Title 5 of the California Code of Regulations.

5 (C) All other complaints of noncompliance with the
6 requirements of this section shall be investigated and determined
7 by the local educational agency in accordance with the timelines
8 provided in Section 4631 of Title 5 of the California Code of
9 Regulations.

10 (2) A complainant not satisfied with the decision of a local
11 educational agency may appeal the decision to the department
12 pursuant to Chapter 5.1 (commencing with Section 4600) of
13 Division 1 of Title 5 of the California Code of Regulations.
14 *Regulations and shall receive a written decision regarding the*
15 *appeal within 60 days of the department's receipt of the appeal.*

16 (A) If the complainant appeals a local educational agency
17 decision regarding an alleged violation of the right to immediate
18 enrollment pursuant to paragraph (8) of subdivision (e), the
19 department shall issue a written decision regarding the appeal
20 within 30 days of the department's receipt of the appeal.

21 (B) If the complainant appeals a local educational agency
22 decision regarding an alleged violation of a pupil's right to remain
23 in his or her school of origin pending resolution of a dispute
24 regarding the request of a foster child to remain in the school of
25 origin, pursuant to paragraph (9) of subdivision (e), the department
26 shall issue a written decision regarding the appeal within 30 days
27 of the department's receipt of the appeal.

28 (C) For all other appeals from local educational agency decisions
29 related to this section, the department shall issue a written decision
30 regarding the appeal within 60 days of the department's receipt of
31 the appeal.

32 (3) If a decision of either the local educational agency or the
33 department determines that the local educational agency has
34 violated a pupil's right to immediate enrollment, pursuant to
35 paragraph (8) of subdivision (e), or has violated a pupil's right to
36 remain in his or her school of origin pending resolution of a dispute
37 regarding the request of a foster child to remain in the school of
38 origin, pursuant to paragraph (9) of subdivision (e), and that
39 violation has interrupted the pupil's school attendance, the pupil
40 shall be awarded compensatory educational services. It is the intent

~~1 of the Legislature that these services be provided to assist pupils
2 in their transition to the school setting following an interruption
3 in school attendance and to compensate for missed instruction.
4 Compensatory educational services may include, but are not limited
5 to, social-emotional supports, such as counseling, and academic
6 supports, including tutoring and academic counseling. finds merit
7 in a complaint, or the Superintendent finds merit in an appeal, the
8 local educational agency shall provide a remedy to the affected
9 pupil.~~

(4) Information regarding the requirements of this section shall be included in the annual notification distributed to, among others, pupils, parents or guardians of pupils, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

SEC. 4. Section 49069.5 of the Education Code is amended to read:

49069.5. (a) The Legislature finds and declares all of the following:

(1) The mobility of pupils in foster care often disrupts their educational experience.

(2) Efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings.

(3) Pupils who have had contact with the juvenile justice system are often denied credit or partial credit earned during enrollment in juvenile court schools. Delays in school enrollment and loss of earned credit can result in improper class or school placement, denial of special education services, and school dropout.

(b) The proper and timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency, including the county office of education for pupils in foster care who are enrolled in juvenile court schools, and the county placing agency, which includes the county probation department.

(c) As soon as the county placing agency or county office of education becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency or county office of education shall contact the appropriate person at the local educational agency of the pupil. The county placing agency shall notify the local educational agency of the date that

1 the pupil will be leaving the school and request that the pupil be
2 transferred out.

3 (d) Upon receiving a transfer request from a county placing
4 agency or notification of enrollment from the new local educational
5 agency, the local educational agency receiving the transfer request
6 or notification shall, within two business days, transfer the pupil
7 out of school and deliver the educational information and records
8 of the pupil to the next educational placement.

9 (e) As part of the transfer process described under subdivisions
10 (c) and (d), the local educational agency shall compile the complete
11 educational record of the pupil, including a determination of seat
12 time, full or partial credits earned, current classes and grades,
13 immunization and other records, and, if applicable, a copy of the
14 pupil's plan adopted pursuant to Section 504 of the federal
15 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or individualized
16 education program adopted pursuant to the federal Individuals
17 with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

18 (f) The local educational agency shall assign the duties listed
19 in this section to a person competent to handle the transfer
20 procedure and who is aware of the specific educational
21 recordkeeping needs of homeless, foster, and other transient
22 children who transfer between schools.

23 (g) The local educational agency shall ensure that, if the pupil
24 in foster care is absent from school due to a decision to change the
25 placement of a pupil made by a court or placing agency, the grades
26 and credits of the pupil will be calculated as of the date the pupil
27 left school and no lowering of grades will occur as a result of the
28 absence of the pupil under these circumstances.

29 (h) The local educational agency shall ensure that, if the pupil
30 in foster care is absent from school due to a verified court
31 appearance or related court ordered activity, no lowering of his or
32 her grades will occur as a result of the absence of the pupil under
33 these circumstances.

34 (i) (1) A complaint of noncompliance with the requirements of
35 this section may be filed with the local educational agency under
36 the Uniform Complaint Procedures set forth in Chapter 5.1
37 (commencing with Section 4600) of Division 1 of Title 5 of the
38 California Code of Regulations.

39 (2) A complainant not satisfied with the decision of a local
40 educational agency may appeal the decision to the department

1 pursuant to Chapter 5.1 (commencing with Section 4600) of
2 Division 1 of Title 5 of the California Code of Regulations and
3 shall receive a written decision regarding the appeal within 60
4 days of the department's receipt of the appeal.

5 *(3) If a local educational agency finds merit in a complaint, or*
6 *the Superintendent finds merit in an appeal, the local educational*
7 *agency shall provide a remedy to the affected pupil.*

8 ~~(3)~~

9 (4) Information regarding the requirements of this section shall
10 be included in the annual notification distributed to, among others,
11 pupils, parents or guardians of pupils, employees, and other
12 interested parties pursuant to Section 4622 of Title 5 of the
13 California Code of Regulations.

14 (j) For purposes of this section, the following definitions apply:

15 (1) "County placing agency" means a county social services
16 department or county probation department.

17 (2) "Local educational agency" means a school district, a county
18 office of education, a charter school participating as a member of
19 a special education local plan area, or a special education local
20 plan area.

21 (3) "Pupil in foster care" means a child who has been removed
22 from his or her home pursuant to Section 309 of the Welfare and
23 Institutions Code, is the subject of a petition filed under Section
24 300 or 602 of the Welfare and Institutions Code, or has been
25 removed from his or her home and is the subject of a petition filed
26 under Section 300 or 602 of the Welfare and Institutions Code.

27 SEC. 5. Section 51225.1 of the Education Code is amended to
28 read:

29 51225.1. (a) Notwithstanding any other law, a school district
30 shall exempt a pupil in foster care, as defined in Section 51225.2,
31 or a pupil who is a homeless child or youth, as defined in Section
32 11434a(2) of Title 42 of the United States Code, who transfers
33 between schools any time after the completion of the pupil's second
34 year of high school from all coursework and other requirements
35 adopted by the governing board of the school district that are in
36 addition to the statewide coursework requirements specified in
37 Section 51225.3, unless the school district makes a finding that
38 the pupil is reasonably able to complete the school district's
39 graduation requirements in time to graduate from high school by
40 the end of the pupil's fourth year of high school.

1 (b) If the school district determines that the pupil in foster care,
2 or the pupil who is a homeless child or youth, is reasonably able
3 to complete the school district's graduation requirements within
4 the pupil's fifth year of high school, the school district shall do all
5 of the following:

6 (1) Inform the pupil of his or her option to remain in school for
7 a fifth year to complete the school district's graduation
8 requirements.

9 (2) Inform the pupil, and the person holding the right to make
10 educational decisions for the pupil, about how remaining in school
11 for a fifth year to complete the school district's graduation
12 requirements will affect the pupil's ability to gain admission to a
13 postsecondary educational institution.

14 (3) Provide information to the pupil about transfer opportunities
15 available through the California Community Colleges.

16 (4) Permit the pupil to stay in school for a fifth year to complete
17 the school district's graduation requirements upon agreement with
18 the pupil, if the pupil is 18 years of age or older, or, if the pupil is
19 under 18 years of age, upon agreement with the person holding
20 the right to make educational decisions for the pupil.

21 (c) To determine whether a pupil in foster care, or a pupil who
22 is a homeless child or youth, is in the third or fourth year of high
23 school, either the number of credits the pupil has earned to the
24 date of transfer or the length of the pupil's school enrollment may
25 be used, whichever will qualify the pupil for the exemption.

26 (d) (1) Within 30 calendar days of the date that a pupil in foster
27 care who may qualify for the exemption from local graduation
28 requirements pursuant to this section transfers into a school, the
29 school district shall notify the pupil, the person holding the right
30 to make educational decisions for the pupil, and the pupil's social
31 worker or probation officer of the availability of the exemption
32 and whether the pupil qualifies for an exemption.

33 (2) Within 30 calendar days of the date that a pupil who is a
34 homeless child or youth may qualify for the exemption from local
35 graduation requirements pursuant to this section transfers into a
36 school, the school district shall notify the pupil, the person holding
37 the right to make educational decisions for the pupil, and the local
38 educational agency liaison for homeless children and youth
39 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of

1 the United States Code, of the availability of the exemption and
2 whether the pupil qualifies for an exemption.

3 (e) If a pupil in foster care, or a pupil who is a homeless child
4 or youth, is exempted from local graduation requirements pursuant
5 to this section and completes the statewide coursework
6 requirements specified in Section 51225.3 before the end of his or
7 her fourth year of high school and that pupil would otherwise be
8 entitled to remain in attendance at the school, a school or school
9 district shall not require or request that the pupil graduate before
10 the end of his or her fourth year of high school.

11 (f) If a pupil in foster care, or a pupil who is a homeless child
12 or youth, is exempted from local graduation requirements pursuant
13 to this section, the school district shall notify the pupil and the
14 person holding the right to make educational decisions for the
15 pupil how any of the requirements that are waived will affect the
16 pupil's ability to gain admission to a postsecondary educational
17 institution and shall provide information about transfer
18 opportunities available through the California Community
19 Colleges.

20 (g) A pupil in foster care, or a pupil who is a homeless child or
21 youth, who is eligible for the exemption from local graduation
22 requirements pursuant to this section and would otherwise be
23 entitled to remain in attendance at the school shall not be required
24 to accept the exemption or be denied enrollment in, or the ability
25 to complete, courses for which he or she is otherwise eligible,
26 including courses necessary to attend an institution of higher
27 education, regardless of whether those courses are required for
28 statewide graduation requirements.

29 (h) If a pupil in foster care, or a pupil who is a homeless child
30 or youth, is not exempted from local graduation requirements or
31 has previously declined the exemption pursuant to this section, a
32 school district shall exempt the pupil at any time if an exemption
33 is requested by the pupil and the pupil qualifies for the exemption.

34 (i) If a pupil in foster care, or a pupil who is a homeless child
35 or youth, is exempted from local graduation requirements pursuant
36 to this section, a school district shall not revoke the exemption.

37 (j) If a pupil in foster care is exempted from local graduation
38 requirements pursuant to this section, the exemption shall continue
39 to apply after the termination of the court's jurisdiction over the

1 pupil while he or she is enrolled in school or if the pupil transfers
2 to another school or school district.

3 (k) A school district shall not require or request a pupil in foster
4 care, or a pupil who is a homeless child or youth, to transfer schools
5 in order to qualify the pupil for an exemption pursuant to this
6 section.

7 (l) (1) A pupil in foster care, the person holding the right to
8 make educational decisions for the pupil, the pupil's social worker,
9 or the pupil's probation officer shall not request a transfer solely
10 to qualify the pupil for an exemption pursuant to this section.

11 (2) A pupil who is a homeless child or youth, the person holding
12 the right to make educational decisions for the pupil, or the local
13 educational agency liaison for homeless children and youth
14 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
15 the United States Code, shall not request a transfer solely to qualify
16 the pupil for an exemption pursuant to this section.

17 (m) (1) A complaint of noncompliance with the requirements
18 of this section may be filed with the local educational agency under
19 the Uniform Complaint Procedures set forth in Chapter 5.1
20 (commencing with Section 4600) of Division 1 of Title 5 of the
21 California Code of Regulations.

22 ~~(A) Within 30 days of receiving a complaint of noncompliance~~
23 ~~with this section, the local educational agency shall conduct a~~
24 ~~complete investigation and prepare a written local educational~~
25 ~~agency decision. The investigation and decision shall comply with~~
26 ~~the requirements of subdivisions (b) to (d), inclusive, of, and~~
27 ~~paragraphs (1) to (7), inclusive, of subdivision (e) of, Section 4631~~
28 ~~of Title 5 of the California Code of Regulations.~~

29 ~~(B) Within five schooldays of receiving a complaint of~~
30 ~~noncompliance with this section regarding a pupil who is in the~~
31 ~~final grading period of the fourth year of school after enrollment~~
32 ~~in high school, the local educational agency shall conduct a~~
33 ~~complete investigation and prepare a written local educational~~
34 ~~agency decision. The investigation and decision shall comply with~~
35 ~~the requirements of subdivisions (b) to (d), inclusive, of, and~~
36 ~~paragraphs (1) to (7), inclusive, of subdivision (e) of, Section 4631~~
37 ~~of Title 5 of the California Code of Regulations.~~

38 (2) A complainant not satisfied with the decision of a local
39 educational agency may appeal the decision to the department
40 pursuant to Chapter 5.1 (commencing with Section 4600) of

1 Division 1 of Title 5 of the California Code of Regulations and
2 shall receive a written decision regarding the appeal within 60
3 days of the department's receipt of the appeal.

4 ~~(A) If the complainant appeals a local educational agency~~
5 ~~decision regarding a complaint of noncompliance with this section~~
6 ~~for a pupil who is in the final grading period of the fourth year of~~
7 ~~school after enrollment in high school, the department shall issue~~
8 ~~a written decision regarding the appeal within 30 days of the~~
9 ~~department's receipt of the appeal.~~

10 ~~(B) For all other appeals from local educational agency decisions~~
11 ~~related to this section, the department shall issue a written decision~~
12 ~~regarding the appeal within 60 days of the department's receipt of~~
13 ~~the appeal.~~

14 *(3) If a local educational agency finds merit in a complaint, or*
15 *the Superintendent finds merit in an appeal, the local educational*
16 *agency shall provide a remedy to the affected pupil.*

17 ~~(3)~~

18 (4) Information regarding the requirements of this section shall
19 be included in the annual notification distributed to, among others,
20 pupils, parents or guardians of pupils, employees, and other
21 interested parties pursuant to Section 4622 of Title 5 of the
22 California Code of Regulations.

23 SEC. 6. Section 51225.2 of the Education Code is amended to
24 read:

25 51225.2. (a) (1) For purposes of this section, "pupil in foster
26 care" means a child who has been removed from his or her home
27 pursuant to Section 309 of the Welfare and Institutions Code, is
28 the subject of a petition filed under Section 300 or 602 of the
29 Welfare and Institutions Code, or has been removed from his or
30 her home and is the subject of a petition filed under Section 300
31 or 602 of the Welfare and Institutions Code.

32 (2) For purposes of this section, "pupil who is a homeless child
33 or youth" means a pupil who meets the definition of "homeless
34 child or youth" in Section 11434a(2) of Title 42 of the United
35 States Code.

36 (b) Notwithstanding any other law, a school district and county
37 office of education shall accept coursework satisfactorily completed
38 by a pupil in foster care or a pupil who is a homeless child while
39 attending another public school, a juvenile court school, or a
40 nonpublic, nonsectarian school or agency even if the pupil did not

1 complete the entire course and shall issue that pupil full or partial
2 credit for the coursework completed.

3 (c) The credits accepted pursuant to subdivision (b) shall be
4 applied to the same or equivalent course, if applicable, as the
5 coursework completed in the prior public school, juvenile court
6 school, or nonpublic, nonsectarian school or agency.

7 (d) A school district or county office of education shall not
8 require a pupil in foster care or a pupil who is a homeless child or
9 youth to retake a course if the pupil has satisfactorily completed
10 the entire course in a public school, a juvenile court school, or a
11 nonpublic, nonsectarian school or agency. If the pupil did not
12 complete the entire course, the school district or county office of
13 education shall not require the pupil to retake the portion of the
14 course the pupil completed unless the school district or county
15 office of education, in consultation with the holder of educational
16 rights for the pupil, finds that the pupil is reasonably able to
17 complete the requirements in time to graduate from high school.
18 When partial credit is awarded in a particular course, the pupil in
19 foster care or the pupil who is a homeless child or youth shall be
20 enrolled in the same or equivalent course, if applicable, so that the
21 pupil may continue and complete the entire course.

22 (e) A pupil in foster care or a pupil who is a homeless child or
23 youth shall not be prevented from retaking or taking a course to
24 meet the eligibility requirements for admission to the California
25 State University or the University of California.

26 (f) (1) A complaint of noncompliance with the requirements
27 of this section may be filed with the local educational agency under
28 the Uniform Complaint Procedures set forth in Chapter 5.1
29 (commencing with Section 4600) of Division 1 of Title 5 of the
30 California Code of Regulations.

31 (2) A complainant not satisfied with the decision of a local
32 educational agency may appeal the decision to the department
33 pursuant to Chapter 5.1 (commencing with Section 4600) of
34 Division 1 of Title 5 of the California Code of Regulations and
35 shall receive a written decision regarding the appeal within 60
36 days of the department's receipt of the appeal.

37 (3) *If a local educational agency finds merit in a complaint, or*
38 *the Superintendent finds merit in an appeal, the local educational*
39 *agency shall provide a remedy to the affected pupil.*

40 (3)

1 (4) Information regarding the requirements of this section shall
2 be included in the annual notification distributed to, among others,
3 pupils, parents or guardians of pupils, employees, and other
4 interested parties pursuant to Section 4622 of Title 5 of the
5 California Code of Regulations.

6 SEC. 7. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.